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EXAMINER	
BIAGINI, CHRISTOPHER D	
ART UNIT	PAPER NUMBER
2442	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/712,232	TORMA, MARKO	
	Examiner	Art Unit	
	Christopher Biagini	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to the amendment filed December 15, 2009. Claims 1-31 are pending. Claims 16, 20, and 23 are amended.

Response to Arguments

Applicant's arguments with respect to the rejection of claims 16 and 20 under 35 USC 101 have been fully considered and are persuasive. Accordingly, the rejection is withdrawn.

Applicant's arguments with respect to the rejections of claims 1-32 under 35 USC 103(a) have been fully considered but are not persuasive.

Applicant first argues that "neither of the asserted references teaches or suggest initiating a second synchronization session in accordance with role information defined and stored based on a first synchronization session." The Examiner respectfully disagrees, and again submits that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The SyncML specification teaches synchronization sessions and devices, and Hillyard teaches storing and checking role information in response to the need for initiating sessions. See the rejection below.

Applicant next argues that SyncML does not teach a system capable of functioning as both a synchronization client and synchronization server. Applicant points to section 8 of the SyncML specification which indicates that "the SyncML server may alert the SyncML client to initialize a synchronization session" (emphasis in original). Applicant appears to be arguing that

the teachings of section 8 of the SyncML specification are contrary to the claimed invention. It is unclear, however, how this could possibly be the case, since Applicant has previously pointed to that very section as an example of the claimed functionality (see *Remarks/Arguments*, p. 10, May 1, 2008). Moreover, applicant has repeatedly shifted the interpretation of the terms "synchronization client" and "synchronization server." On May 1, 2008, Applicant, citing MPEP 2111.01 and definitions in the instant specification, argued that the terms "sync server" and "client" required the particular meanings defined by the SyncML protocol, as opposed to the broader, more customary meanings. (A "client" is normally a device which sends requests, while a "server" is normally a device which receives requests.) The Examiner conceded the issue in the Office Action mailed July 29, 2008, and indicated that the claimed "sync server" and "client" in the claims would be interpreted to require a SyncML server and a SyncML client. The Examiner then cited a version of the SyncML standard in the rejection of the claims, since the standard qualified as prior art. In the subsequent response on October 29, 2008, however, Applicant argued that limiting the terms "sync server" and "client" to a SyncML server and SyncML client was improper, and that they should be given their broader, plain meaning. Applicant has since amended the terms to recite a "synchronization server" and a "synchronization client." Now, in the most recent response, Applicant is apparently arguing that the SyncML server cannot initiate sessions and therefore cannot act as a "synchronization client." Respectfully, the Examiner submits that if the SyncML server sends an "alert message," and this results in the establishment of a synchronization session, then the SyncML server has initiated the communication session and acted as a client. The Examiner also respectfully recommends using amendments to the claim language to distinguish over the prior art, rather than attempting to argue the definitions of

extremely broad terms like "synchronization client" and "synchronization server." Claim terms are to be given their broadest reasonable interpretation during prosecution (see MPEP 2111).

Applicant next argues that "because the cited features of Hillyard are short-range Bluetooth transmission features…there has been no suggestion that such features would, or could, be applied in upper protocol layer procedures." The Examiner respectfully disagrees. Hillyard and SyncML both involve protocols that ordinarily have predefined client/server roles. Hillyard teaches a negotiation strategy for a situation *where these roles have not been predefined*. Furthermore, Hillyard teaches at least one benefit of the combination (e.g., allowing devices whose interactions require client/server roles to communicate without needing to be pre-configured for those roles beforehand: see [0013]-[0014]). Because the results would have been predictable (e.g., the devices would be set up to communicate), the combination would have been obvious to one of ordinary skill in the art.

Applicant next argues that "neither of the asserted references teaches or suggests using the stored role information to transmit at least a server initialization message to initiate a second synchronization session based on the defined role information." Respectfully, the Examiner submits that this limitation was presented in the alternative; e.g., claim 1 requires "a client initialization message...*or* a server initialization message."

In response to applicant's argument that Hillyard is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Hillyard is reasonably pertinent to

the particular problem with which the applicant was concerned; namely, allowing devices whose interactions require client/server roles to communicate without needing to be *pre*-configured for those roles beforehand (see Hillyard, [0013]- [0014] and the instant specification, [0005]-[0006]). In other words, just as in the instant specification, the roles are configured upon the establishment of a first session. Applicant argues that "Hillyard addresses devices without any role information," but this is clearly and plainly not the case. Hillyard explicitly and repeatedly uses the term "role" to describe the information which indicates whether the client should act as a client or a server.

Regarding the argument that the combinations in various dependent claims do not show features of the independent claims, the Examiner respectfully disagrees for the reasons given above.

Regarding the argument that the combination of the SyncML specification, Hillyard, and Hawkins does not teach application-specific role information, the Examiner respectfully disagrees. The combination teaches role information as provided for in the independent claims, and Hawkins teaches, among other things, application-specific synchronization information (for example, synchronization "conduit libraries" which execute separately in order to synchronize information for specific applications). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system described in the SyncML protocol to make the role information application-specific in order to prevent errors in one application's session from impacting another application's session.

Given the number and complexity of the issues remaining in this application, it is recommended that Applicant contact the Examiner to arrange a mutually convenient time for a telephonic interview.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 4, 8-11, 13, 15-20, 22, 23, 25, 26, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the SyncML Sync Protocol Specification, version 1.0 (hereinafter "the SyncML specification") in view of Hillyard (US Publication No. 2003/0027526).

Regarding claim 1, the SyncML specification shows a method comprising: establishing a first synchronization session (comprising a SyncML session: see section 4 on page 25) between a first synchronization device (comprising a mobile phone) and a second synchronization device (comprising a server: see section 1.2 on page 7).

The SyncML specification does not show:

- defining automatically based on the first synchronization session and storing role information on the first synchronization device, which indicates whether the first

synchronization device should serve as a client or a sync server in at least one subsequent synchronization session,

- checking said role information for the first synchronization device in response to a need for initiating a second synchronization session between the first synchronization device and the second synchronization device, and
- initiating the second synchronization session from the first synchronization device in accordance with said role information, wherein a client initialization message to initiate the second synchronization session with a synchronization server is transmitted from the first synchronization device in response to synchronization client being defined in the role information as the role of the first synchronization device or a server initialization message to initiate the second synchronization session with a synchronization client is transmitted from the first synchronization device in response to synchronization server being defined in the role information as the role of the first synchronization device.

Hillyard shows:

- defining automatically based on a first session (comprising the session which first establishes a link) and storing role information (comprising client/server role information: see paragraph [0039] and [0057]-[0058]) on a first device, which indicates whether the first device should serve as a client or a server in at least one subsequent session (see paragraph [0054]),
- checking said role information for the first device in response to a need for initiating a second session between the first device and the second device

(comprising determining if role information is stored and the nature of the role information: see paragraph [0055]), and

- initiating the second session from the first device in accordance with said role information, wherein a client initialization message to initiate the second session with a server is transmitted from the first device in response to client being defined in the role information as the role of the first device (comprising the device initiating a request to the server if the device previously acted in the role of a client: see paragraph [0055]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system described in the SyncML specification to use the client/server negotiation taught by Hillyard. Such an arrangement would allow SyncML devices that are peers (that is, devices for which there are no clear, pre-configurable choices for client and server) to successfully connect. See Hillyard, paragraphs [0013]-[0014].

Regarding claim 3, the combination further shows wherein a client initialization message for initiating the first synchronization session is transmitted from the first synchronization device to the second synchronization device (comprising client inquiries, which are sent periodically: see paragraphs [0013] and [0056]), and:

- an acknowledgement is received from the second synchronization device (comprising an inquiry response: see step 718 and [0057]),

- in response to receiving the acknowledgement, synchronization client is stored during the role information storing step for the first synchronization device (see step 728 and [0057]).

Regarding claim 4, the combination further shows wherein the role information is associated with the second synchronization device on the basis of the identifier (comprising the address) of the second synchronization device (see paragraph [0039]), and

the role information associated with the identifier of the second synchronization device is searched from the stored role information in the first synchronization device in response to a need to initiate a second synchronization session with the second synchronization device (see paragraph [0054]).

Regarding claim 8, the combination further shows wherein storing mapping information describing the sameness of data items only on the device, the role of which is synchronization server (see the SyncML specification, section 2.3 on page 12).

Regarding claim 9, the combination further shows wherein the data being synchronized is user data (comprising a calendar: see the SyncML specification, section 2.6.2 on page 14).

Regarding claim 10, the combination further shows wherein the first synchronization device and the second synchronization device support the SyncML standard (see the SyncML specification, section 1.2 on page 7).

Regarding claim 17, the combination further shows wherein a role is selected for the first synchronization device for the second synchronization session on the basis of said role information; and the second synchronization session is initiated from the first synchronization device in accordance with the selected role (see Hillyard, paragraph [0014]).

Claims 11, 13, 16, and 23 correspond to claim 1 and are rejected for the reasons provided above.

Claims 15, 18-20, 22, 23, 25, 26, 30, and 31 correspond to claims 3, 4, 6, 8, 9, 10, and 17 and are rejected for the reasons provided above.

Regarding claim 32, the combination shows the limitations of claim 23 as described above, and further shows wherein the apparatus is a mobile station (comprising a mobile phone: see section 1.2 on page 7 of the SyncML specification).

Claims 2, 14, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the SyncML specification in view of Hillyard (US Publication No. 2003/0027526), and further in view of Wallbeck.

The combination further shows:

- wherein a client initialization message for initiating the first synchronization session is transmitted from the first synchronization device to the second

synchronization device (comprising client inquiries, which are sent periodically: see Hillyard, paragraphs [0013] and [0056]);

- that errors can occur during the notification process (see Hillyard, step 720 in Fig. 7 and paragraph [0058]),
- receiving error messages when errors occur during the notification process (see the SyncML specification, item 2 on page 29),
- when establishing a server role, a server initialization message is transmitted from the first synchronization device to the second synchronization device (comprising a response to inquiry: see paragraphs [0047] and [0058]; and
- synchronization server is stored during the role information storing step as the role information for the first synchronization device (see step 740 and paragraph [0058])

The combination does not show that a server role is established upon an error. Rather, in the proposed combination, the negotiation process merely restarts (see Hillyard, Fig. 7).

Wallbeck shows establishing a server role upon an error (the error comprising that another device will not assume the necessary server role in a communication session: see paragraph [0026]). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system described in the SyncML protocol to have the first device immediately assume a server role in order to save time that would otherwise be wasted on restarting the negotiation process.

Claims 5 and 27 are rejected under 35 USC 103(a) as being unpatentable over the SyncML specification in view of Hillyard (US Publication No. 2003/0027526), and further in view of Hawkins et al. (US Patent No. 5,884,323, hereinafter "Hawkins").

The combination shows the limitations of claims 1 and 23 as described above, but does not show wherein said role information is application-specific so that separate role information is stored in the device for each application and/or application profile in the device.

Hawkins shows storing application-specific synchronization information so that separate information is stored in a device for each application (see col. 3, lines 5-17; and col. 6, lines 32-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system described in the SyncML protocol with the application-specific synchronization information taught by Hawkins in order to prevent errors in one application's session from impacting another application's session.

Claims 6 and 28 are rejected under 35 USC 103(a) as being unpatentable over the SyncML specification in view of Hillyard (US Publication No. 2003/0027526), and further in view of Dresevic (US Pub. No. 2001/0056442).

The combination shows the limitations of claims 1 and 23 as described above, but does not show wherein the default value of said role information is synchronization client, and the role information is not stored if synchronization client is defined as the role of the device.

Dresevic shows assigning a default values to a setting, and not storing information if the default value is set (see [0107]). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system described in the SyncML specification to

not store role information if synchronization client is defined as the role of the device in order to conserve memory in the device (see Dresevic, [0107]).

Claims 7, 12, and 29 are rejected under 35 USC 103(a) as being unpatentable over the SyncML specification in view of Hillyard (US Publication No. 2003/0027526), and further in view of Flanagin et al. (US Patent No. 6,272,545, hereinafter "Flanagin").

The combination shows the limitations of claims 1, 11, and 23 as described above, but does not show wherein said role information is stored in a third device that is other than said first or second device.

Flanagin shows storing role information on a third device that is other than a first or second synchronization device (see col. 3, line 54-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system described in the SyncML specification with the off-device storage taught by Flanagin in order to relieve individual devices of the burden of storing role information.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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